



The Salisbury Planning Board held its regular meeting Tuesday, March 9, 2010, in the City Council Chamber at Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Mark Beymer, Robert Cockerl, Tommy Hairston, Richard Huffman, Albert Stout, Bill Wagoner and Diane Young

ABSENT: Valarie Stewart

STAFF: Dan Mikkelson, Preston Mitchell, Diana Moghrabi, and David Phillips

This meeting was digitally recorded for *Access 16* television by Jason Parks.

Robert Cockerl called the meeting to order and offered an invocation. The Planning Board adopted the agenda as submitted. The minutes of the February 23, 2010 meeting were approved as submitted.

NEW BUSINESS

A. District Map Amendment

- Staff Presentation
- Courtesy Hearing
- Board Discussion
- Statement of Consistency
- Recommendation to City Council

LDOZ-01-2010

Petitioner(s)	City of Salisbury
Owner(s)	Prince Charles Investment, LLC
Address	300 Fulton Street
Tax Map - Parcel(s)	006-368
Size / Scope	Approximately one acre
Location	Located at the intersection of Fulton & Liberty Streets

Request to amend the Land Development District Map by rezoning approximately one acre located at 300 Fulton Street (Prince Charles Condominiums) from URBAN RESIDENTIAL (UR12) and HISTORIC RESIDENTIAL (HR) to RESIDENTIAL MIXED-USE (RMX)

Preston Mitchell made a staff report. The written report was included in the planning board agenda materials (<http://www.salisburync.gov/planningboard/pbfrontpage.html>).

The property is currently split-zoned.

Proposed Zoning:

Residential Mixed-Use (RMX) district (18 dwelling units per acre maximum, so it is currently at maximum capacity.)

The Residential Mixed-Use District is intended to provide for areas for higher density residential development in close proximity (within ½ - ¼ mile) to existing and planned commercial centers such as the Corridor Mixed-Use District (CMX) and the Downtown Mixed Use District (DMX). The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles along with a limited mix of neighborhood-friendly uses are encouraged.

Staff Comment

This rezoning, as petitioned for by the city, alleviates a non-conforming situation for the owner/operator of the Prince Charles Condominium development. Apartment building types are not permitted (by right) within the UR-12 or HR districts. In order for the owner to make improvements to the condominium site, the proper zoning needs to be in place.

The RMX district not only permits the existing building type, but it is also an appropriate zoning classification for this area and its proximity to the downtown DMX district.

Staff does recommend that this is consistent with the Vision 2020 Comprehensive Plan and recommend approval of the request to rezone from UR 12 and HR to RMX.

Those Speaking in Opposition

Pete Hoffman lives at 416 W. Kerr Street, which is directly opposite from the Kerr Street driveway for the Prince Charles condominiums indicated in the staff presentation. “We saw the intent of the various zoning restrictions; we didn’t see the actual affect of what would be the different options they have if you rezone this project.”

“We’ve heard that there is intent to do something about parking. My problem is that, if you rezone the whole area to this new zoning district without restrictions of what could be done in the area. We don’t know that something is going to be done that is compatible with the historic neighborhood.”

“For the same reason that I can’t put up a picket fence in my back yard without permission, because it is visible in a historic neighborhood, this part of the land—particularly the part that is in the HR zone—ought to be maintained consistent with the neighborhood.”

“I would rather see the specific project that the owners of the development want to pursue. I’d rather see them come with a specific proposal and get an approval for that

specific project rather than rezoning and then allowing anything they might want to do in the future consistent with the new zoning request.”

“I ask that you deny it and have the City come back with a specific request for specific intent—a specific project—and approve that. So far as consistency, if you want to rezone the building to maybe some area around it to be consistent, that might make some sense. But, I don’t see any reason to rezone that whole tract of land because that part particularly on Kerr and Liberty Street has a very definite affect on the historic neighborhood. I would rather see the restrictions maintained as much as possible. This is because that building is right in the block in the center of the historic district. What is done there can have a huge affect.”

“Finally, I am not opposed to infill residential building. I think one of the problems with neighborhoods such as mine is then lack of residential density. I’d like to see development there. I’d like to see more families living in the neighborhood. I’d like to see overall compatibility in appearance and uses.”

Mr. Hoffman asked the Planning Board to recommend denial as submitted. He would prefer to have something more specific in the proposal. He would like reasonable expectation as to the affect on the neighborhood.

Jack Thomson lives at 530 W. Monroe Street and is the Director of Salisbury Historic Foundation. Essentially he would reiterate what Mr. Hoffman suggested.

He agrees that the potential to allow the owner to make alterations to the building and that specific parking area directly behind the building is a good idea.

The Foundation owns property partially adjacent to the parcel that fronts on West Kerr Street. The Foundation would have particular concern as to the development potential of the block face on West Kerr Street not the interior core of the block where the owner could provide additional services to his residents at the condominium. Dick Huffman asked Mr. Thomson to point out the area of his concern on the map. Mr. Thomson wants to know the development impact in the strip.

Debbie Leslie of 325 North Ellis lives directly behind the area proposed for rezoning. This neighborhood (Ellis Street Graded School District) is working hard to be a strong neighborhood. Residents are concerned with what can be done on that lot behind her (which is now open space) if this is rezoned.

It is important to encourage people to stay in the historic areas and to live in Downtown Salisbury. Zoning should not diversely affect current or future homes in the historic district.

Andrea Anders of 301 N. Ellis is one of the neighborhood association co-presidents. She wished to echo the three speakers ahead of her. She is concerned that potential changes in zoning could harm the historic character of the neighborhood.

Those Speaking in Favor

NONE

Board Discussion

Bill Wagoner said, "Although RMX seems to fit the '2020' conceptually..., under certain circumstances banking uses and other services could be introduced if rezoned." It would be nice to see improvements to the site come as a Conditional District (CD).

Karen Alexander and Dick Huffman agreed that a CD would be more appropriate than just allowing RMX. If rezoned, there are too many things that could happen that would not be good for the area.

Preston explained that the local historic district still has to conform to historic preservation guidelines. Split zoning is not recommended, but could happen along the historic boundary. Per the statute, CDs must be petitioned by the owner of the property. No additional dwelling units can be constructed on this parcel.

Diane Young is also in favor of a CD, because the goal is to bring the building type into conformance. The historic overlay will satisfy many concerns of the surrounding property owners. This is a result of the conversion to the current Land Development Ordinance, but we need to look long term, deny it, and recommend that it comes back as a CD.

Preston said all multifamily in the city is zoned UR12 and is non-conforming all over the city. Diane suggested that this situation be studied in committee. Urban style multifamily needs a different approach. Karen agreed.

Diane Young made the following MOTION: "The Planning Board finds and determines that LDOZ-01-2010 is consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan; however, due to the location and the surrounding zoning, surrounding uses, and proximity to and within the historic district, we recommend that it be denied." Albert Stout seconded the motion. The motion was approved 7-1 with Mark Beymer voting NAY.

The recommendation to city council is to deny LDOZ-01-2010. The city will advise whether or not they will take it forward; if it goes to city council, it will probably be April 6. The City could withdraw the request.

A committee will study UR12 throughout the city in the future. Bill Wagoner would like clarification from the Institute of Governments on who is defined as the owner of condominium projects.

District Map Amendment

LDOZ-05-2010

Petitioner(s): City of Salisbury
 Owner(s): Multiple
 Address: All addresses along Rachel & Audrey Lanes
 (Grants Meadows Subdivision)
 Tax Map - Parcel(s): 469A-001 through 469A-015000001 and 469A-016 through 469A-058
 Size / Scope: Approximately 35 acres (57 parcels)
 Location: All of Grants Meadows Subdivision off of Gaskey Road

Request to amend the Land Development District Map by rezoning approximately 35 acres (57 parcels) off of Gaskey Road (Grants Meadows Subdivision) from GENERAL RESIDENTIAL (GR-3) to MANUFACTURED HOME DEVELOPMENT – NEIGHBORHOOD (MHD-NEIGH)

Preston Mitchell made a staff presentation. Staff recommends approval.

The proposed zoning will allow six dwelling units per acre maximum.

Manufactured housing is a recognized form of affordable housing. To provide for this type of housing in an organized manner, this district permits planned development of a neighborhood using any combination of site built and manufactured homes. Manufactured Home Developments shall take the form of Manufactured Home Neighborhoods or Manufactured Home Parks, subject to the requirements and the approval process for Conditional Districts.

The city is petitioning for this rezoning based on the fact that Grants Meadow Subdivision began as a Manufactured Home development and is unable to continue build-out as a Manufactured Home development with the current LDO zoning. As part of the zoning code re-write and zoning map conversion, many of the provisions and zoning district conversions were misaligned with the previous zoning code. This subdivision became GR-3 through the conversion process, but along with many other Manufactured Home developments, should have been converted to MHD zoning.

This rezoning alleviates a nonconforming situation for the developer of this subdivision. Stick-built homes can be constructed within the MHD-NEIGH district while still permitting the construction of manufactured doublewides as well.

Public comment

Karen Lashua of 270 Audrey Lane asked if there would be any changes in home ownership, services, taxes, etc. She does not believe anyone would build a stick built home in the neighborhood. They like it the way it is.

Board Discussion

Karen Alexander offered the following MOTION: "Planning Board finds and determines that **LDOZ-05-2010** is consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan and hereby recommends approval." Tommy Hairston seconded the motion with all members voting AYE. The motion was approved 8-0 and will go to City Council with a recommendation for approval April 6.

OTHER BOARD BUSINESS

Preston Mitchell reported that notifications had been made at the RCCC campus for a workshop on the bicycle plan. Although the attendance was poor, one individual who uses a bicycle as his primary means of transportation offered significant feedback.

The next Planning Board meeting will be March 23, 2010.

There being no further business to come before the Planning Board the meeting was adjourned at 5:03 p.m.

Robert Cockerl, Chair

Diana Moghrabi, Secretary